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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,258	02/10/2004	Tom Campbell	03229450	1248

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EXAMINER

FOX, CHARLES A

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/775,258	CAMPBELL ET AL.	
	Examiner	Art Unit	
	Charles A. Fox	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20040714</u> . | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 103

Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grob in view of Gibson and further in view of Erismann. Regarding claims 1, 10 and 11 Grob US 1,783,363 teaches a system for moving freight to and from rail cars comprising:

- a first railway (15) to accommodate said rail cars;

- a staging area (not numbered);

- a second railway (18) positioned between the first railway and the staging area accommodating a movable transfer dock (20);

cargo containers which are movable between the rail cars and the staging area via said movable dock. Grob does not teach a two tiered container or a conveyor on the floor of the rail car. Gibson US 6,520,729 teaches a rail car with a plurality of cells (7) wherein each cell has a conveyor (10) on the floor thereof. Gibson also does not teach a two tiered container for use with his system. Erismann US 3,400,671 teaches a storage and transport container comprising:

- a base (32);

- two side walls extending up from said base;

- a platform secured to said walls;

- wherein said platform is adjustable in a vertical direction;

- an open top. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the system taught by Grob with conveyors on the floor as taught by Gibson to allow the system to more effectively load the rail car when partial

Art Unit: 3652

loads are being shipped and to further provide the tiered container as taught by Erismann for storing a plurality of piece goods in the system with a minimum footprint by vertically stacking the pieces within the container on separate levels.

Regarding claim 2 Grob further teaches the staging area is a truck loading area.

Regarding claims 3 and 9 Grob teaches using any type of rail car, so it would have been obvious to one of ordinary skill in the art, at the time of invention to use a refrigerated boxcar with the system if perishable products are being shipped. It is also noted that the type of rail car used will not effect the operation of the system.

Regarding claim 4 Grob further teaches means (60) for moving the movable dock.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grob, Gibson and Erismann as applied to claim 1 above, and further in view of Leech. Grob teaches the limitations of claim 1 as above, they do not teach securing the movable dock to the rail car. Leech US 1,830,740 teaches securing a movable transfer dock to a rail car to ensure proper alignment between the two. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Grob with the securing means as taught by Leech to maintain the alignment between the rail cars and the movable dock during loading and unloading of the rail cars.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grob, Gibson and Erismann as applied to claim 4 above, and further in view of Hester. Grob teaches the limitations of claim 4 as above, they do not teach a conveyor on the movable dock. Hester US 2,102,844 teaches a system for moving a container to and

Art Unit: 3652

from a rail car via a movable dock, wherein said dock has a conveyor for handling the container. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Grob with a conveyor on the movable dock in order to allow the device to easily move container both to and from the dock and the rail car.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grob, Gibson and Erismann as applied to claim 1 above, and further in view of Norrie. Grob teaches the limitations of claim 1 as above, they do not teach the movable dock as having doors or curtain seals. Norrie US 3,834,562 teaches a movable dock for moving containers between two vehicles wherein the dock has a plurality of doors for receiving and depositing cargo with expandable curtain seals being provided on said doors. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Grob with curtain seals as taught by Norrie in order to protect the containers from the elements during transfer from one vehicle to another.


The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Rosenbaum 1954, McMurry, Sr. 1959, Obes 1959, Lamson et al. 1987, Barry 2003 and Viragh et al. 2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

Art Unit: 3652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Charles A. Fox
Examiner
Art Unit 3652